

REMARKS

Firstly, Applicant would like to incorporate by reference his comments made in the Response dated November 14, 2008. In addition, in the Examiner's Advisory Action, the Examiner states that the Rule 116 Amendment would have overcome the rejection under 35 USC 112, first paragraph, if it had been entered. The Examiner further stated that if the Amendment had been considered and entered, there still would have been a rejection under 35 USC 112, second paragraph because it is not clear what the concentration of resin or oxide is in the emulsion and thereby how much resin or oxide is in the composition. In reply thereto, Applicant has identified in the application that the zirconium oxide is made by Gooukagaku Kogyo K. K. and sold under the trademark designation "Digest T90", identified the liquid paraffin as made by Kagaku K. K. and sold under the trademark designation of "Parax 40K" and further identified the polyvinyl acetate resin as being made by Showa Kobunashi Resol K. K. and sold under the product code of AP50. Applicant respectfully submits that such identification clearly shows the products incorporated into Applicant's invention. However, unfortunately there are no written specification sheets from each of these companies identifying the compositions of these materials. Notwithstanding this fact, the inventor is familiar with these materials and analyzed them for their content. Accordingly, attached hereto is a Declaration by the inventor identifying the contents of the emulsion of zirconium oxide, polyvinyl acetate resin and paraffin. In view of this Declaration, Applicant respectfully submits that it is clear of the concentration of resin or oxide in the emulsion and respectfully submits that the claims are not properly rejectable under 35 USC 112, second paragraph since they are now clear.

Applicant further respectively and retroactively requests a one (1) month extension of time to respond to the Advisory Action and respectfully requests that the extension fee in the amount of \$65.00 be charged to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Please charge any additional costs incurred by or in order to implement this Rule 116 Amendment or required by any requests for extensions of time to QUINN EMANUEL DEPOSIT ACCOUNT NO. 50-4367.

Respectfully submitted,

By: 

William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, California 90017
Telephone: 213-443-3000
Facsimile: 213 -443-3100
E-mail: thomasedison@quinnemanuel.com

Certificate of Transmission

I hereby certify that this correspondence is being
facsimile transmitted to the Patent and Trademark Office
Fax No. (571) 273-8300 on December 17, 2008.


Name

Signature

12/17/2008
Date